

**Remarks/Arguments:**

Claims 1-16 are currently pending in this application. Claims 1-16 are rejected.

Claims 1, 3-7, 11, and 14-15 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,078,720 ("Burton"). Claims 2, 8-10, 12-13, and 16 stand rejected under 35 U.S.C. 103(a) as unpatentable over Burton. Applicants respectfully traverse these rejections, and contend that claims 1-16 are patentable over the art of record for at least the reasons set forth below.

**Features of Claims 1 and 16**

Applicants' invention, as recited by independent claims 1 and 16, includes at least the following features that are neither disclosed nor suggested by the art of record, namely (as recited in claim 1): "an endoluminal device . . . having . . . a proximal end contained by the retrograde portion . . ." and (as recited in claim 16) "the [endoluminal] device proximal end contained by the retrograde portion . . .".

**Rejections under 35 U.S.C. § 102 and § 103 based on Burton**

The Office Action rejects claim 1 under § 102(b) and claim 16 under § 103(a) based on Burton. Applicants respectfully submit, however, that the claimed invention includes structural features that are readily distinguishable from the Burton device. Applicants' claimed invention recites, as shown in Figures 2A, 2B, and 2C, an endoluminal device having its proximal end contained by the retrograde portion.

By contrast, the Burton reference, as shown in Figure 1, discloses an introducer in which the endoluminal device is entirely contained (including the proximal end) by the anterograde portion of the introducer. Burton does not use the terms anterograde and retrograde, but because the anterograde portion is defined as the portion that is movable relative to the retrograde portion (see claim 1: "an anterograde portion, axially movable relative to the retrograde portion"; claim 16: "a shaft . . . adapted for moving the anterograde portion relative to the retrograde portion"), outer sleeve 5 disclosed by Burton must be considered the anterograde portion. Because Burton clearly discloses the stent as being contained entirely within sleeve 5, there is no basis to suggest that the proximal end is contained by the

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retrograde portion. Furthermore, Burton shows no structure that would allow a stent to be contained in the retrograde portion.

Accordingly, Burton cannot anticipate or render obvious Applicants' invention because of **structural** differences between the devices, namely the position of the proximal end of the endoluminal device within the retrograde portion of the introducer. For at least this reason, the Final Rejection must be withdrawn.

Applicants contend, therefore, that independent claims 1 and 16 are patentable over the prior art. Claims 2-15 are also patentable over the prior art at least for the same reasons that claim 1, on which they are dependent, is patentable, but may be separately patentable for additional reasons as well.

In view of the arguments set forth above, Applicants submit that the above-identified application is in condition for allowance.

Respectfully submitted,

  
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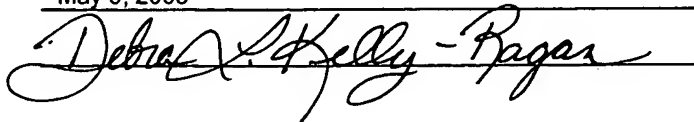
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